

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EDWARD BURLEY,

Plaintiff,

v.

PATRICK MILLER, DANIEL HEILMAN,
STACEY BOSWORTH, and CAPTAIN
BARKER,

Defendants.

Case Number 15-12637

Honorable David M. Lawson

Magistrate Judge Mona K. Majzoub

**ORDER ADOPTING REPORT AND RECOMMENDATION, DISMISSING CLAIMS
AGAINST DEFENDANT BARKER, DENYING PLAINTIFF'S REQUEST TO ADD
CAPTAIN KILCHERMAN AS A DEFENDANT, GRANTING DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT, AND DISMISSING COMPLAINT**

Presently before the Court is the report issued on March 17, 2016 by Magistrate Judge Mona K. Majzoub pursuant to 28 U.S.C. § 636(b), recommending that the Court dismiss all claims against defendant Barker, deny the plaintiff's request to add Captain Kilcherman as a defendant, and grant the defendants' motion for summary judgment. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed thus far. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt. #22] is **ADOPTED**.

It is further **ORDERED** that this case is **DISMISSED WITH PREJUDICE** as to defendant **Captain Barker, ONLY.**

It is further **ORDERED** that the plaintiff's request to add Captain Kilcherman as a defendant is **DENIED.**

It is further **ORDERED** that the defendants' motion for summary judgment [dkt. #14] is **GRANTED.**

It is further **ORDERED** that the complaint is **DISMISSED WITH PREJUDICE.**

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: April 4, 2016

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on April 4, 2016.

s/Susan Pinkowski
SUSAN PINKOWSKI